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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/884,921 Confirmation No. : 6896
First Named Inventor : Marco PERETTI
Filed : June 21, 2001
TC/A.U. : 2131
Examiner : C.A. REVAK

Docket No. : 101873.56480US
Customer No. : 23911

Title : Method and System for Shadowing Accesses to
Removable Medium Storage Devices

**REQUEST FOR RECONSIDERATION OF PATENT TERM
ADJUSTMENT IN NOTICE OF ALLOWANCE UNDER 37 C.F.R. § 1.705(b)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.705(b), Applicant respectfully requests that the Office reconsider the patent term adjustment set forth in the Notice of Allowance dated May 17, 2007 in the instant application. In support of this request, Applicant notes the following:

1. A non-final Office Action was issued in this application on October 19, 2005.
2. Applicant filed a Reply to the aforementioned Office Action by facsimile on January 19, 2006. Copies of the facsimile transmission report, reflecting the successful transmission of the Reply, and the Transmittal Form containing the Certificate of Transmission dated January 19, 2006 are attached hereto as Exhibit A.

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3. The Examiner subsequently contacted Applicant's counsel requesting that an additional copy of the January 19, 2006 Reply be submitted to the Office.
4. In response to the Examiner's request, on April 10, 2006 Applicant submitted again by facsimile a document entitled "Transmittal of Reply Filed January 19, 2006", together with a copy of the Reply originally filed on January 19, 2006 and a copy of the facsimile transmission report. Copies of the documents submitted on April 10, 2006 are attached hereto for reference as Exhibit B.

The Office's image file wrapper does not reflect receipt of Applicant's Reply filed on January 19, 2006. Instead, the courtesy copy of the Reply submitted on April 10, 2006 together with the document entitled "Transmittal of Reply Filed January 19, 2006" was entered into the image file wrapper and treated as though April 10, 2006 was the original filing date of the Reply. A copy of the image file wrapper contents is attached hereto for reference as Exhibit C.

The erroneous attribution of the April 10, 2006 filing date to the January 19, 2006 Reply therefore triggered the incorrect calculation of the patent term adjustment indicated in the Notice of Allowance. Accordingly, Applicant respectfully submits that, taking into account the correct filing date (January 19, 2006) of the Reply to the October 19, 2005 Office Action, the patent term adjustment in the Notice of Allowance should be 878 days. This is based on

correcting the calculation of Applicant's delay in responding to the October 19, 2005 Office Action to zero days, and correcting the calculation of the USPTO's delay in mailing the Final Office Action responsive to the January 19, 2006 Reply to 41 days beyond the four-month stipulation set forth in 37 C.F.R. §§ 1.702(a)(2) and 1.703(a)(2). Furthermore, this application is not subject to a terminal disclaimer.

Pursuant to 37 C.F.R. § 1.705(b)(2)(iv)(A), Applicant submits that the revised 878-day patent term adjustment properly takes into consideration Applicant's "failure to engage in reasonable efforts to conclude processing" of the application as set forth in 37 C.F.R. § 1.704(b), specifically Applicant's 30-day delay in responding to the March 22, 2005 Office Action, Applicant's 19-day delay in responding to the June 29, 2006 Final Office Action, and Applicant's 58-day delay in responding to the November 27, 2006 Office Action.

Based on the foregoing, Applicant respectfully requests that the Office reconsider the patent term adjustment indicated in the Notice of Allowance dated May 17, 2007.

If there are any questions regarding this request or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Credit Card Payment Form PTO-2038 is attached hereto for payment of the required fee of \$200.00 set forth in 37 C.F.R. § 1.18(e). Please credit any overpayments or charge any additional fees to the Deposit Account of Crowell & Moring LLP, Account Number 05-1323 (Docket # 101873.56480US).

Respectfully submitted,

June 12, 2007

A handwritten signature in black ink, appearing to read "John W. Ryan", is written over a horizontal line.

John W. Ryan
Registration No. 33,771
Cameron W. Beddard
Registration No. 46,545

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
JWR/CWB/ajf

EXHIBIT

A

FAX HEADER:

FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
792 MEMORY TX		915712733794#7815	OK	P. 11/11

COPY

REASON FOR ERROR

E-1) HANG UP OR LINE FAIL
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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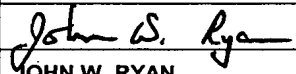
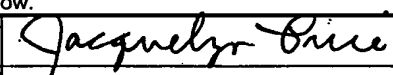
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/884,921
	Filing Date	June 21, 2001
	First Named Inventor	Marco PERETTI
	Art Unit	2131
	Examiner Name	C.A. REVAK
	Attorney Docket Number	101873.56480US
Total Number of Pages in This Submission		11

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Continuation Application	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
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<table border="1" style="width: 100%;"> <tr> <td colspan="2">Post-it® Fax Note 7671</td> <td>Date 1-19-06</td> <td># of pages 11</td> </tr> <tr> <td colspan="2">To E.L.R. C.A. REVAK</td> <td colspan="2">From John W Ryan</td> </tr> <tr> <td colspan="2">Co./Dept. PTO</td> <td colspan="2">Co. Crowell + Moring</td> </tr> <tr> <td colspan="2">Phone # 571-272-3794</td> <td colspan="2">Phone # 202-624-2500</td> </tr> <tr> <td colspan="2">Fax # 571-273-3794</td> <td colspan="2">Fax # 202-628-8844</td> </tr> </table>			Post-it® Fax Note 7671		Date 1-19-06	# of pages 11	To E.L.R. C.A. REVAK		From John W Ryan		Co./Dept. PTO		Co. Crowell + Moring		Phone # 571-272-3794		Phone # 202-624-2500		Fax # 571-273-3794		Fax # 202-628-8844	
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Firm Name	CROWELL & MORING LLP																					
Signature																						
Printed Name	JOHN W. RYAN																					
Date	January 19, 2006	Reg. No. 33,771																				
CERTIFICATE OF TRANSMISSION/MAILING																						
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.																						
Signature																						
Typed or printed name	Jacquelyn Price	Date January 19, 2006																				

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EXHIBIT

B

* * * COMMUNICATION RESULT REPORT (APR.10.20 10:04AM) * * *

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REASON FOR ERROR

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 09/884,921	Confirmation No.	: 6896
First Named Inventor	: Marco PERETTI		
Filed	: June 21, 2001		
TC/A.U.	: 2131		
Examiner	: C.A. REVAK		
Docket No.	: 101873.56480US		
Customer No.	: 23911		
Title	: Method and System for Shadowing Accesses to Removable medium Storage Devices		

CERTIFICATE OF FACSIMILE TRANSMISSION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that an original of this Transmittal of Reply filed January

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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First Named Inventor : Marco PERETTI
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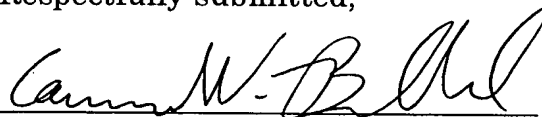
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that an original of this Transmittal of Reply filed January 19, 2006 is being faxed to Examiner Revak at the U.S. Patent and Trademark Office (571-273-8300) on April 10, 2006.

Respectfully submitted,

April 10, 2006



John W. Ryan
Registration No. 33,771
Cameron W. Beddard
Registration No. 46,545

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
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Docket No. : 101873.56480US
Customer No. : 23911

COPY

Title : Method and System for Shadowing Accesses to Removable
medium Storage Devices

TRANSMITTAL OF REPLY FILED JANUARY 19, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

VIA FACSIMILE
571-273-8300

Sir:

As requested by the Examiner in a telephone message, the Applicant hereby submits a copy of the Reply that was submitted by facsimile on January 19, 2006 in the above application. A copy of the communication report is also submitted as evidence of the timeliness of the filing.

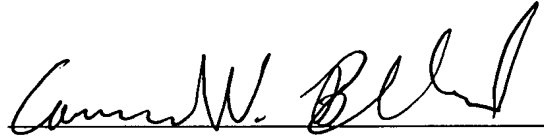
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If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit
Account No. 05-1323 (Docket #101873.56480US).

Respectfully submitted,

April 10, 2006

A handwritten signature in black ink, appearing to read "Cameron W. Beddard", written over a horizontal line.

John W. Ryan
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* * * COMMUNICATION RESULT REPORT (JAN. 10, 2001 5:51PM) * * *

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PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<div style="display: flex; justify-content: space-between;"> <div> Post-It® Fax Note 7671 </div> <div> Date <u>1-19-06</u> # of pages <u>11</u> </div> </div> <table border="1" style="width: 100%;"> <tr> <td>To <u>E.L.R. C.A. REVAK</u></td> <td>From <u>John W Ryan</u></td> </tr> <tr> <td>Co./Dept. <u>PTO</u></td> <td>Co. <u>Crowell + Moring</u></td> </tr> <tr> <td>Phone # <u>571-272-3794</u></td> <td>Phone # <u>202-624-2500</u></td> </tr> <tr> <td>Fax # <u>571-273-3794</u></td> <td>Fax # <u>202-628-8844</u></td> </tr> </table>			To <u>E.L.R. C.A. REVAK</u>	From <u>John W Ryan</u>	Co./Dept. <u>PTO</u>	Co. <u>Crowell + Moring</u>	Phone # <u>571-272-3794</u>	Phone # <u>202-624-2500</u>	Fax # <u>571-273-3794</u>	Fax # <u>202-628-8844</u>								
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SIGNATURE <table border="1" style="width: 100%;"> <tr> <td>Firm Name</td> <td colspan="3">CROWELL & MORING LLP</td> </tr> <tr> <td>Signature</td> <td colspan="3"><u>John W. Ryan</u></td> </tr> <tr> <td>Printed Name</td> <td colspan="3">JOHN W. RYAN</td> </tr> <tr> <td>Date</td> <td>January 19, 2006</td> <td>Reg. No.</td> <td>33,771</td> </tr> </table>			Firm Name	CROWELL & MORING LLP			Signature	<u>John W. Ryan</u>			Printed Name	JOHN W. RYAN			Date	January 19, 2006	Reg. No.	33,771
Firm Name	CROWELL & MORING LLP																	
Signature	<u>John W. Ryan</u>																	
Printed Name	JOHN W. RYAN																	
Date	January 19, 2006	Reg. No.	33,771															
CERTIFICATE OF TRANSMISSION/MAILING																		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.																		
Signature	<u>Jacquelyn Price</u>																	
Typed or printed name	Jacquelyn Price	Date	January 19, 2006															

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REPLY

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following amendments and remarks are respectfully submitted in
response to the Office Action dated October 19, 2005.

Amendments to the Claims are reflected in the listing of claims, which
begins on page 2 of this paper.

Remarks begin on page 8 of this paper.

Amendments to the Claims:

The listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Previously presented) A method for selectively shadowing only accesses to external storage media connected to a computer, the method comprising: detecting a data access to an external storage medium; and writing a copy of the accessed data to a storage location other than the external storage medium; wherein the detecting step comprises intercepting an I/O request from the computer to an external storage media drive in which the external storage media is inserted.
2. (Previously presented) The method of claim 1 wherein the access is a write operation.
3. (Previously presented) The method of claim 1 wherein the access is a read operation.
4. (Canceled)
5. (Currently amended) The method of claim 1 wherein the I/O request is one of the group consisting of a file open or creation request, a write request, a file close request, a file system control request and a read request.

6. (Previously presented) The method of claim 5 further comprising:
providing a proxy handler for the I/O request; and executing the proxy handler,
in response to the detecting step.
7. (Previously presented) The method of claim [4] 1 wherein the computer
runs under an operating system and the I/O request is one of the group
consisting of IRP_MJ_CREATE, IRP_MJ_WRITE, IRP_MJ_CLOSE,
IRP_MJ_FILE_SYSTEM_CONTROL and IRP_MJ_READ packets.
8. (Previously presented) The method of claim 7 further comprising:
providing proxy handlers for the IRP_MJ_CREATE, IRP_MJ_WRITE,
IRP_MJ_CLOSE and IRP_MJ_FILE_SYSTEM_CONTROL packets; and
executing one of the proxy handlers, in response to the detecting step when the
I/O request is a respective packet selected from the group consisting of
IRP_MJ_CREATE, IRP_MJ_WRITE, IRP_MJ_CLOSE and
IRP_MJ_FILE_SYSTEM_CONTROL packets.
9. (Previously presented) The method of claim 8 further comprising:
providing a proxy handlers for the IRP_MJ_READ packet; and executing the
proxy handlers for the IRP_MJ_READ packet, in response to the detecting step
when the I/O request is an IRP_MJ_READ packet.
10. (Previously presented) The method of claim 1 wherein the storage
location other than the external storage media is a protected storage location.
11. (Previously presented) The method of claim 1 further comprising:
writing the data to the external storage medium after the step of writing a copy
of the data to a storage location other than the external storage medium.

12. (Previously presented) The method of claim 1 further comprising:
attaching to one or more file systems connected to an external storage media
drive in which the external storage medium is inserted; and wherein the
detecting step comprises intercepting I/O requests to the one or more file
systems.
13. (Previously presented) The method of claim 1 wherein the external
storage medium is selected from the group consisting of a floppy disk; a CD, a
removable hard disk drive, and a zip disk drive.
14. (Previously presented) The method of claim 1 further comprising:
collecting the copy into a database where similar copies are collected; and
querying the database.
15. (Currently amended) ~~The method of claim 14~~ A method for selectively
shadowing only accesses to external storage media connected to a computer, the
method comprising:
detecting a data access to an external storage medium;
writing a copy of the accessed data to a storage location other than the
external storage medium;
collecting the copy into a database where similar copies are collected; and
querying the database;
wherein the detecting step comprises intercepting an I/O request from the
computer to an external storage media drive in which the external storage media
is inserted;
wherein the database comprises records, each record comprising the
copied data, a file name associated with the data, an identification of who
initiated the data access, a station ID, and when the access was made.

16. (Previously presented) The method of claim 14 wherein the computer is connected to a computer network, and the detecting and copying steps are performed at the computer, and the collecting and querying steps are performed at another computer on the network.
17. (Previously presented) The method of claim 14 wherein the collecting and querying steps are performed by a user with administrator privileges.
18. (Previously presented) A computer readable medium on which is embedded computer software, the software performing a method, the method comprising: detecting a data access to an external storage medium; and writing a copy of the accessed data to a storage location other than the external storage medium; wherein the detecting step comprises intercepting an I/O request from the computer to an external storage media drive in which the external storage media is inserted.
19. (Previously presented) The computer readable medium of claim 18 wherein the access is a write operation.
20. (Canceled)
21. (Previously presented) The computer readable medium of claim 18 wherein the computer system runs under an operating system and the I/O request is one of the group consisting of IRP_MJ_CREATE, IRP_MJ_WRITE, IRP_MJ_CLOSE, IRP_MJ_FILE_SYSTEM_CONTROL and IRP_MJ_READ packets.
22. (Previously presented) An apparatus for selectively shadowing only accesses to external storage media connected to a computer, the apparatus

comprising: a detector that intercepts I/O requests from the computer to an external storage media drive in which the external storage media is inserted; and a storage, other than the external storage medium, connected to the detector, in which a copy of the accessed data is written.

23. (Previously presented) The apparatus of claim 22 further comprising one or more proxy handlers connected to the detector, wherein the proxy handlers handle certain I/O requests.

24. (Previously presented) The apparatus of claim 23 wherein the certain I/O requests comprise IRP_MJ_CREATE, IRP_MJ_WRITE, IRP_MJ_CLOSE and IRP_MJ_FILE_SYSTEM_CONTROL packet.

25. (Previously presented) The apparatus of claim 24 wherein the certain I/O requests further comprise an IRP_MJ_READ packet.

26. (Previously presented) The apparatus of claim 23 further comprising: a list, connected to at least some of the one or more proxy handlers, in which file identifiers are contained.

27. (Previously presented) The apparatus of claim 26 wherein the file identifiers are IRP.FsContext values.

28. (Previously presented) The apparatus of claim 23 further comprising: one or more counters, connected to at least some of the one or more proxy handlers, by which certain file operations are counted.

29. (Previously presented) The apparatus of claim 23 wherein the computer runs under an operating system, and the one or more proxy handlers are connected to I/O request packet drivers supplied by the operating system.

30. (Canceled)

31. (Previously Presented) The method of claim 1 wherein the external storage medium is selected from the group consisting of a floppy disk; a writable CD, a removable hard disk drive, and a zip disk drive.

32. (Previously presented) The computer readable medium of claim 18 wherein the external storage medium is selected from the group consisting of a floppy disk; a writable CD, a removable hard disk drive, and a zip disk drive.

33. (Previously presented) The apparatus of claim 22 wherein the external storage medium is selected from the group consisting of a floppy disk; a writable CD, a removable hard disk drive, and a zip disk drive.

REMARKS

Claims 1-3, 5-19, 22-29, and 31-33 are pending in the application.

Claims 5 and 15 are objected to by the Examiner. Claim 5 is objected to because it depends on itself. Claim 15 is objected to because it depends on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By the present Amendment, Applicants amend claim 5 to correct its dependency. Also, Applicants amend claim 15 by rewriting it in independent form.

Claims 1-3, 5-14, 16-19, 22-29, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bharat (U.S. Patent 6,577,735) in view of Golan (U.S. Patent 5,974,549).

Applicants submit that the prior art fails to teach or suggest all of the limitations of the claims of the present application. The Examiner concedes that Bharat does not disclose the feature of claim 1 of intercepting an I/O request from a computer to an external storage media drive in which the external storage media is inserted. The Examiner asserts that Golan makes up for this deficiency of Bharat, but Applicants respectfully disagree. Golan does not disclose intercepting an I/O request from a computer to an external storage media drive in which the external storage media is inserted. Instead, Golan discloses intercepting application interface (API) calls by a software component

downloaded to a computer to an operating system of the computer. Although the software component may have been downloaded from an external source, it is the operating system of the computer, not an external storage media, to which the API calls are made. *See col. 4, line 62 – col. 5, line 14 of Golan.* These are the API calls that Golan describes as being intercepted. *See col. 5, lines 6-9.* Golan fails to disclose intercepting an I/O request from a computer to an external storage media drive in which the external storage media is inserted. Therefore, claim 1 is allowable over the prior art.

Applicants submit that there is no teaching, suggestion, or motivation to combine the teachings of Bharat and Golan. The Examiner asserts that it is obvious that the teachings of Bharat would have been further protected from unknown software loaded from an external source as disclosed by Golan, but Applicants respectfully disagree. Bharat relates to a system for creating an encrypted backup copy of compressed audio data downloaded onto a portable audio player from a computer. By creating the encrypted backup copy, the inconvenience of re-loading lost data onto the portable audio player can be reduced, and illicit duplication of the audio data can be avoided. By contrast, Golan relates to a security monitor for monitoring unknown software downloaded from an external source, such as the Internet, to a computer. Golan's teachings of monitoring an unknown software downloaded to a computer are unrelated to the teachings of Bharat of creating a backup copy of known

audio data downloaded to a portable audio player. Therefore, claim 1 is allowable for this additional reason.

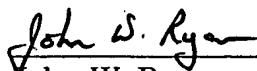
Independent claims 18 and 22 are allowable over the prior art for reasons analogous to those for claim 1.

Claims 2, 3, 5-14, 16, 17, 19, 21, 23-29, and 31-33 are allowable at least because of their dependence from claims 1, 18, and 22, respectively.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101873.56480US).

Respectfully submitted,

 1-19-06

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EXHIBIT

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09/884,921	METHOD AND SYSTEM FOR SHADOWING ACCESSES TO REMOVABLE MEDIUM STORAGE DEVICES	06-11- 2007::14:33:41
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